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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,858	02/12/2001	Kenji Kawai	1232-4683	5141
27123	7590	07/02/2004		
MORGAN & FINNEGAN, L.L.P. 345 PARK AVENUE NEW YORK, NY 10154				
			EXAMINER ELDER, JEREMY RYAN	
			ART UNIT 2612	PAPER NUMBER 5

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/781,858

Applicant(s)

KAWAI ET AL.

Examiner

Jeremy R. Elder

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

-DETAILED ACTION

Title

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "Electronic Device Having Pivotal Display and Stereo Speakers".

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inuma et al. in further view of Kumazawa et al.

As for claim 1, Inuma et al. shows in figures 1-3 a display panel that pivots. They further explain in col. 6, line 66 through col. 7, line 4 that the hinge shown in fig. 5 has switches along the "x" and "y" axes that detect when the panel is away from the body of the camera (y) and when the panel is rotated over 180 degrees (x).

However, Inuma et al. do not disclose the use of a control unit or first and second output units for sound.

Kumazawa et al. describe an audio-video device to which the user can switch the audio channels upon inverting the display.

In embodiment 5, Kumazawa et al. describe, in col. 11, lines 57-67, a reversing operation switch 130b to which the user can depress to flip the images on the screen as well as reverse the audio channels.

It would have been obvious to one of ordinary skill in the art at the time of invention to couple the reverse switch of Kumazawa et al. to the detecting switch "x" of Inuma et al. to incorporate the sound orientation change at the same time as the picture orientation changing for the benefit of keeping the left and right audio channel true to the orientation of the user.

4. As for claim 3, Inuma et al. discloses in figures 2 and 3 a panel that rotates 180 degrees from the position in figure 2 to the position in figure 3.

5. As for claim 4, Kumazawa et al. disclose in col. 5, lines 47-49, the sound is played back in stereo, which is well known in the art as meaning it is a 2-channel system commonly designated as "left" and "right".

It would have been obvious to one of ordinary skill in the art at the time of invention to designate 2 speakers as L (left) and R (right) on the 2-channel system for the benefit of ensuring correct channel orientation during playback.

6. As for claim 5, Inuma et al. discloses in col. 5, lines 57-67 the use of a LCD 3.

7. As for claim 6, Inuma et al. do not disclose an operation member on the front of their invention.

However, Kumazawa et al. show in figures 1 and 2 operation switches 1c on the front of the invention.

It would have been obvious to one of ordinary skill in the art at the time of invention to place the operational switches on the front of the device for the benefit of having the switches in a convenient location during use of the device.

8. As for claim 7, Inuma et al. shows in figures 1-3 a display panel that pivots. They further explain a method in col. 6, line 66 through col. 7, line 4 where the hinge shown in fig. 5 has switches along the "x" and "y" axes to detect when the panel is away from the body of the camera (y) and when the panel is rotated over 180 degrees (x):

However, Inuma et al. do not disclose the use of a controlling step for sound.

Kumazawa et al. describe an audio-video device to which the user can switch the audio channels upon inverting the display.

In embodiment 5, Kumazawa et al. describe a method in col. 11, lines 57-67 that includes reversing operation switch 130b to which the user can depress to flip the images on the screen as well as reverse the audio channels.

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It would have been obvious to one of ordinary skill in the art at the time of invention to use a method of coupling the reverse switch of Kumazawa et al. to the detecting switch "x" of Inuma et al. to incorporate the sound orientation change at the same time as the picture orientation changing for the benefit of keeping the left and right audio channel true to the orientation of the user.

9. As for claim 8, Inuma et al. do not disclose an operation member on the front of their invention.

However, Kumazawa et al. show in figures 1 and 2 operation switches 1c on the front of the invention.

It would have been obvious to one of ordinary skill in the art at the time of invention to place the operational switches on the front of the device for the benefit of having the switches in a convenient location during use of the device.

10. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inuma et al. and Kumazawa et al. as applied to claim 1 above, and further in view of Hattori et al.

While Kumazawa et al. teach of the stereo sound, neither they nor Inuma et al. disclose of placing the pivoting display in its initial resting place with the LCD facing outward.

Hattori et al. discloses a video camera with a pivoting viewfinder.

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Hattori et al. show the electronic viewfinder 12 in the same position in figure 3 as in figure 2 with the exception that LCD 15 is facing outward in figure 3 as opposed to facing inward in figure 2.

It would have been obvious to one of ordinary skill in the art at the time of invention to use the knowledge of the switches in Inuma et al. to control the LCD and the stereo sound of Kumazawa et al. with Hattori et al.'s knowledge of having the LCD face outward for the benefit of being able to view movies with the device without having to hold the device in the same manner as when recording making viewing by multiple people easier.

11. Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inuma et al. and Kumazawa et al. in further view of Kanbara.

As for claim 9, details of Inuma et al. and Kumazawa et al. are described in claim 1, However, neither Inuma et al. nor Kumazawa et al. disclose detail of a memory that contains the programs that control the device.

Kanbara describes an image sensing apparatus with details of the inner circuitry.

Kanbara discloses in figure 2 and col. 6, lines 61-64 that the CPU 31 executes programs stored on ROM 36 and controls respective portions of the circuit.

It would have been obvious to one of ordinary skill in the art at the time of invention to require a memory device to store programs for controlling various circuits in the invention such as those of sound and video for the benefit of not

having to upload the programs from an outside source when needed making the invention self-standing.

12. As for claim 10, Inuma et al. do not disclose an operation member on the front of their invention.

However, Kumazawa et al. show in figures 1 and 2 operation switches 1c on the front of the invention.

It would have been obvious to one of ordinary skill in the art at the time of invention to place the operational switches for controlling said programs on the front of the device for the benefit of having the switches in a convenient location during use of the device.

13. As for claim 11, details of Inuma et al. and Kumazawa et al. are described in claim 1, however, neither Inuma et al. nor Kumazawa et al. disclose detail of a memory that contains the programs that control the device.

Kanbara discloses in figure 2 and col. 6, lines 61-64 that the CPU 31 executes programs stored on ROM 36 and controls respective portions of the circuit.

It would have been obvious to one of ordinary skill in the art at the time of invention to require a program in a memory device to control and respond to various states the sensors or switches such as those sensors that report the angle of the LCD panel and respond by inverting the picture and sound effectively having an

automated response to the states of sensors for the benefit of conveniently keeping the orientation of the device true to the user.

14. As for claim 12, Inuma et al. do not disclose an operation member on the front of their invention.

However, Kumazawa et al. show in figures 1 and 2 operation switches 1c on the front of the invention.

It would have been obvious to one of ordinary skill in the art at the time of invention to place the operational switches for controlling said programs on the front of the device for the benefit of having the switches in a convenient location during use of the device.

Conclusion

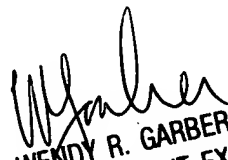
15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kanatani and Sato both show pivoting displays. Kanamori et al. show the use of multiple microphones.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy R. Elder whose telephone number is (703) 305-4693. The examiner can normally be reached on M-F 800-430.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R. Garber can be reached on (703) 305-4929. The fax phone

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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